

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

DWIGHT LYLES,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

CIVIL NO. 2:09cv222

OPINION AND ORDER

This matter is before the court on a “Motion to Affirm Agency Decision on Remand and Enter Judgment”, filed by the Commissioner on September 29, 2014.

The motion will be granted.

Discussion

The Commissioner has moved this court for an Order affirming the decision of the Commissioner that Plaintiff met the disability requirements under the Social Security Act, 42 U.S.C. §§ 423(d). The Commissioner moves this court for entry of final judgment pursuant to Federal Rule of Civil Procedure 58.

The Commissioner submits the following facts in support of the motion. Plaintiff filed an appeal of an adverse decision of the Commissioner of Social Security on July 31, 2009. After the parties filed a Joint Motion for Remand because a complete administrative record could not be produced, the undersigned issued an order remanding the case pursuant to the sixth sentence of 42 U.S.C. § 405(g). Although the case was closed administratively on the court's docket, no judgment was entered and the court retained jurisdiction over the action. In sentence six remands, the court enters judgment after post-remand agency proceedings have been completed

and their results filed with the court. *Shalala v. Schaefer*, 509 U.S. 292, 297 (1993).

In May 2010, an administrative law judge (ALJ) acting pursuant to this court's remand order issued a favorable decision. The time has expired for Plaintiff to file exceptions to the ALJ's decision and for the Appeals Council to review the case on its own motion. 20 C.F.R. §§ 404.984, 416.1484

As this case is now concluded, the Court will affirm the Commissioner's decision and enter final judgment.

#### Conclusion

The Court hereby GRANTS the Commissioner's motion [DE 13], AFFIRMS the Commissioner's decision and directs the Clerk of the Court to enter final judgment.

Entered: November 3, 2014.

s/ William C. Lee  
William C. Lee, Judge  
United States District Court